IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1053 OF 2002

1.Ramesh Himmat Patil & Ors. ... Petitioners

V/s

1 The Principal
Pragati Vidyayala & Junior
College of Arts & Commerce &
Ors. ... Respondents

Mrs. Neeta Karnik for petitioners

Ms. Rita Vora i/b Cr. Bayleg & Co. for respondent No.1

Coram : (Dr.)D.Y.Chandrachud,J.

Dated : 18th March, 2005.

P.C. :-

. The Petitioners have challenged in this proceeding under Article 226 of Constitution of India an order dated 26.3.2002 passed by the Presiding Officer of the School Tribunal rejecting an application for interim relief. Petitioner No.1 holds a B.Sc, B.P.Ed. (Physical Training and Maths)and belongs to the OBC category. He has been in continuous service since 1.7.1997. Petitioner No.2 is an M.A.,B.Ed. from the open category. It has been stated that he has been working continuously since the year 1998.

Petitioner No.3 is a B.A.,B.Ed.. He belongs to the O.B.C. Category. It has been stated that he has been working continuously since 19.11.1998. Petitioner No.4 is an ATD (Drawing) and CTC (Craft). He belongs to the O.B.C. Category. He has been working as Drawing Teacher since 19.11.1998. Petitioner No.5 is an S.S.C.,D.Ed. He belongs to the O.B.C. Category and is working since 13.6.1999. Petitioner No.6 is a B.A.B.Ed. He belongs to the O.B.C. category and is working continuously since 2.8.1999.

. The services of the Petitioners as Assistant Teachers were terminated by the management on the ground that the Education Inspector had not given his approval. The Petitioners application for the grant of interim relief was rejected by the impugned order dated 26/03/2002 of the Tribunal. By an order dated 10/04/2002 passed by this court on the Petitioninterim relief was granted in terms of prayer clauses (f) and (h) of the petition by which the management was directed to continue the services of the petitioner on regular wages. This Court has also directed the Education Inspector and Deputy Director of Education to pay earned wages to the petitioners. In the interim order, the Court noted that it was an admitted position that out of six teachers, five teachers belong to the reserved class and they were appointed in accordance with recruitment rules against posts reserved for such categories. The management had no objection to continue those teachers in service. Hence, interim relief was

granted.

. The Court is informed at the hearing of the Petition that the appeal itself is ripe for hearing before the School Tribunal. The services of the petitioners came to be protected by interim order dated 10.4.2002 and the Petitioners have continued now for nearly three years.Hence it is in the interests of justice that the aforesaid order will continue during the pendency of appeal before the School Tribunal. The School Tribunal is further directed to dispose of the appeal preferably 31.08.2005. The impugned order of the School Tribunal shall stand substituted in terms of aforesaid direction.However, it is clarified that neither the interim order of this court dated 10.04.2002 nor the present order shall be regarded as any conclusive opinion on the merits of the case.The Tribunal shall disposal of the appeal uninfluenced by the interim order which were only confined to the grant of interim relief during the pendency of the appeal before the Tribunal.The Petition is disposed of in these terms with no order as to costs.

(Dr.)D.Y. Chandrachud,J.